

## OFFICIAL COUNCIL PROCEEDINGS

A regular meeting of the City Council of the City of Menomonie, Dunn County, Wisconsin, was held in open session on August 5, 2013, and called to order by Mayor Knaack at 7:00 p.m. in the City Council Chambers. The following members were present: Luther, Traxler, Sutherland, Dickmann, Riedel, Schwebs, Brown, Solberg, Cruz, Beety and Mercil.

MOTION was made by Dickmann, seconded by Brown, and carried to approve the minutes of the July 15, 2013 meeting.

PUBLIC COMMENTS – David Williams, Stepping Stones Board member, asked the Council to consider allowing homeless shelters in B-4 zoned districts (Neighborhood Office District).

The following spoke in support of soliciting bids to dredge a portion of Wolske Bay: Gary Schwoch, President of Dunn County Fish & Game; Dale Schmitz; Jim Schrader; and Randy Sommerfeld.

Linda Thompson and Michelle Hamilton, Stepping Stones Board members, and Jill Gamez, Executive Director of Arbor Place, urged the Council to move forward with creating an ordinance for consideration to allow homeless shelters in districts zoned B-4.

MOTION was made by Mercil, seconded by Beety, and carried to extend the time for public comments to 7:30 p.m.

Leland Brenholt and Karen Allen also spoke in support of soliciting bids to dredge a portion of Wolske Bay.

Kathy Asper, representing the Dunn County Partnership for Youth Environment Team, offered her assistance to work on the License Suspension Policy.

Tony Kern spoke opposed to the proposed location of a homeless shelter at 1518 Stout Road (in a B-4 zone district), and he submitted a petition with 17 signatures urging the Council to not include B-4 districts in any proposed homeless shelter ordinance.

Randy Dahms spoke opposed to allowing homeless shelters in B-4 zoning.

MOTION was made by Dickmann, seconded by Brown, and carried to extend the time for public comments to 7:50 p.m.

Neil Haselwander announced that he was available for questions regarding the proposed bike trail through his property which would allow access to the I-94 pedestrian bridge planned for construction across Lake Menomin.

Chad Biggers, Stepping Stones Board member, asked the Council to support the creation of an ordinance to allow homeless shelters in B-4 zoned districts.

Johanna Clark, Larry Stork and Dick Hanson also spoke in support of soliciting bids to dredge a portion of Wolske Bay.

Sandy White spoke in opposition to dredging a portion of Wolske Bay, and urged the Council to utilize UW-Stout experts, the Lake Association and meet with the townships to develop a strategic plan for making improvements to the Lake.

Shelly Creaser spoke in support of creating the homeless shelter ordinance, and in supporting efforts to clean Lake Menomin.

Sandy White asked the Council to adhere to the current alcohol license suspension policy.

MOTION – the following motion from the June 17, 2013 was read by Mayor Knaack and placed back on the table for consideration:

*MOTION was made by Luther and seconded by Traxler authorizing the Administration and Engineers to solicit bids to dredge a portion of Wolske Bay. After a lengthy discussion on this topic, Alderperson Cruz, called the question which carried on roll call vote with Mercil opposed.*

The original motion lost on the following roll call vote: Ayes: Luther, Traxler, Sutherland and Solberg. Noes: Dickmann, Riedel, Schwebs, Brown, Cruz, Beety and Mercil.

POSTPONED – The Council postponed action on the Broadstreet Menomonie redevelopment project final developer's agreement until the August 19<sup>th</sup> meeting.

BIDS were received for Broadstreet Menomonie site demolition as follows (total bid w/Alternate):

No Mercy Excavating - \$107,450

Albrightson Excavating - \$143,470

Haas Sons, Inc. - \$160,612

DKS Construction Services - \$170,050

White Enterprises - \$235,600

MOTION was made by Cruz, seconded by Riedel, and carried unanimously on roll call vote to accept the low bid of \$107,450 from No Mercy Excavating contingent on:

1. Contractor providing the necessary bonding and insurance.
2. Approved development agreement for redevelopment of site.
3. An easement for access.

MOTION to approve the proposed Bicycle/Pedestrian Trail Agreement with Haselwander Bros., Inc. for permanent and temporary easements allowing the city access to the I-94 pedestrian bridge planned for construction across Lake Menomin was made by Solberg, seconded by Mercil, and carried on roll call vote with Riedel opposed.

MOTION – the following motion from the June 17, 2013 was read by Mayor Knaack and placed back on the table for consideration:

*MOTION was made by Traxler and seconded by Luther to modify the 1988 Alcohol License Suspension Policy to the language shown as “REVISED” on page 3 of the June 12, 2013 memo from City Attorney, Ken Schofield.*

MOTION to postpone action on this motion until the 1<sup>st</sup> meeting in October to give Chief Atkinson some time to continue to work on a 2 tiered proposal to bring back to Council, even if that involves rewriting the current policy (current policy would remain in place until that time) was made by Brown seconded by Dickmann, and lost on the following roll call vote: Ayes: Dickmann, Riedel, Brown, Solberg and Beety. Noes: Luther, Traxler, Sutherland, Schwebs, Cruz and Mercil.

The original motion lost on the following roll call vote: Ayes: Luther, Traxler and Sutherland. Noes: Dickmann, Riedel, Schwebs, Brown, Solberg, Cruz, Beety and Mercil.

MOTION to modify the 1988 Alcohol License Suspension Policy to the language shown as “REVISED” on page 3 of the June 12, 2013 memo from City Attorney, Ken Schofield with the penalty days revised to 5 days in the first paragraph (two offenses); 10 days in the second paragraph (three offenses); and 30 days in the third paragraph (four offenses) was made by Schwebs, seconded by Luther, and lost on the following roll call vote: Ayes: Luther, Traxler, Sutherland and Schwebs. Noes: Dickmann, Riedel, Brown, Solberg, Cruz, Beety and Mercil.

MOTION to modify the 1988 Alcohol License Suspension Policy to the language shown as “REVISED” on page 3 of the June 12, 2013 memo from City Attorney, Ken Schofield with the penalty days revised to 10 days in the first paragraph (two offenses); 10 days in the second

paragraph (three offenses); and 30 days in the third paragraph (four offenses) was made by Mercil, seconded by Dickmann, and lost on the following roll call vote: Ayes: Dickmann, Brown, Beety and Mercil. Noes: Luther, Traxler, Sutherland, Riedel, Schwebs, Solberg and Cruz.

MOTION to modify the 1988 Alcohol License Suspension Policy to the language shown as “REVISED” on page 3 of the June 12, 2013 memo from City Attorney, Ken Schofield with the penalty days revised to 10 days in the first paragraph (two offenses); 15 days in the second paragraph (three offenses); and 30 days in the third paragraph (four offenses) was made by Riedel, seconded by Dickmann, and lost on the following roll call vote: Ayes: Dickmann, Riedel, Brown and Mercil. Noes: Luther, Traxler, Sutherland, Schwebs, Solberg, Cruz and Beety.

MOTION to table the alcohol license suspension policy review was made by Brown, seconded by Dickmann, and lost on the following roll call vote: Ayes: Dickmann, Brown, Solberg, Cruz and Beety. Noes: Luther, Traxler, Sutherland, Riedel, Schwebs and Mercil.

MOTION to postpone the alcohol license suspension policy review until the September 3, 2013 meeting was made by Brown, seconded by Dickmann, and carried on the following roll call vote: Ayes: Sutherland, Dickmann, Riedel, Brown, Solberg and Mercil. Noes: Luther, Traxler, Schwebs, Cruz and Beety.

MOTION (homeless shelter ordinance) to send this to the Plan Commission to make a recommendation for an ordinance to define homeless shelters, make homeless shelters a conditional use, to allow shelters in the following zones, full multiple, B-2 and B-3 commercial zones and suggest possible restrictions in each of these 3 zones was made by Beety, seconded by Brown, and lost on the following roll call vote: Ayes: Sutherland, Dickmann, Brown, Cruz and Beety. Noes: Luther, Traxler, Riedel, Schwebs, Solberg and Mercil.

MOTION was made by Mercil and seconded by Solberg directing the City Attorney to draft an ordinance to allow for the establishment of a homeless shelter facility in zones R-2, R-3, B-1, B-2, B-3, B-4 and T-1.

MOTION to postpone action on the homeless shelter ordinance until September 3, 2013 was made by Brown, seconded by Dickmann, and lost on the following roll call vote: Ayes: Dickmann, Riedel, Schwebs, Brown and Beety. Noes: Luther, Traxler, Sutherland, Solberg, Cruz and Mercil.

MOTION to amend the motion directing the City Attorney to draft an ordinance to allow for the establishment of a homeless shelter facility in zones R-2, R-3, B-1, B-2, B-3 and T-1 (exclude B-4) was made by Beety, seconded by Brown, and lost on the following roll call vote: Ayes: Sutherland, Dickmann, Brown, Cruz and Beety. Noes: Luther, Traxler, Riedel, Schwebs, Solberg and Mercil.

ORIGINAL MOTION (*directing the City Attorney to draft an ordinance to allow for the establishment of a homeless shelter facility in zones R-2, R-3, B-1, B-2, B-3, B-4 and T-1*) lost on the following roll call vote: Luther, Traxler, Schwebs, Solberg and Mercil. Noes: Sutherland, Dickmann, Riedel, Brown, Cruz and Beety.

MOTION directing the City Attorney to draft two ordinances to allow for the establishment of a homeless shelter facility in zones R-2, R-3, B-1, B-2, B-3, B-4 and T-1 (one as a conditionally permitted use; the other as an unconditionally permitted use) was made by Riedel, seconded by Schwebs, and carried on the following roll call vote: Luther, Traxler, Dickmann, Riedel, Schwebs, Solberg, Cruz and Mercil. Noes: Sutherland, Brown and Beety.

MOTION was made by Beety, seconded by Solberg, and carried unanimously on roll call vote to approve the proposed development/sale agreement with Arbor Place, Inc. for approximately seven acres of land in the Technology Park located south of 550<sup>th</sup> Avenue and east of Lookout Road.

BIDS were received for 2013 sidewalk repairs on 6<sup>th</sup> Avenue, 11<sup>th</sup> Street and 12<sup>th</sup> Street as follows:  
White Enterprises - \$50,890; Accurate Construction - \$55,830; Flatworks Specialists - \$60,465; Bailey Construction - \$83,820; and Pember Companies - \$91,340.

MOTION was made by Schwebs, seconded by Traxler, and carried on roll call vote with Mercil opposed, to award the bid to White Enterprises for \$50,890 contingent on the contractor providing the necessary bonding and insurance.

APPOINTMENTS – MOTION was made by Schwebs, seconded by Riedel, and carried to accept the Mayor’s recommendation for the following appointments to the Library Board Commission for the term ending in 2016: Dayle Mandelson and Carmen Trimble – reappointments; and Lori Ausman - new appointment.

BUDGET – MOTION was made by Cruz, seconded by Schwebs, and carried unanimously on roll call vote to approve the following budget transfer:  
\$2,000 from Sewer Utility, Maint. of Collection System 71.83100.226 Contractual Service to Maintenance of Collection System 71.83100.226 Vehicle Contractual Repair.

COMMUNICATIONS AND MISCELLANEOUS BUSINESS – Included in the agenda packet was an update from Randy Eide, Public Works Director, regarding the Boil/Bottle Water Advisory Review meeting which included steps that will be taken in the future to improve procedures and plans; a stormwater plan update; the July 30<sup>th</sup> Happenings Around Menomonie (HAM report); and notice of a Health Insurance Provider Presentation on August 9, 2013.

CLAIMS - MOTION was made by Solberg, seconded by Cruz, and carried unanimously on roll call vote to approve payment of the following claims:

<b><u>Claims</u></b>	
Avenet, LLC	\$ 1,000.00
Badger Truck Refrigeration	976.28
Boyer Trucks	113,300.00
Cedar Corporation	57,616.00
Flatwork Specialists	12,049.18
Indianhead Truck Equipment	69,900.00
Lewis Bjork, LLC	275.00
M E U W	3,000.00
Manpower	2,705.23
Menomonie Turf & Timber	121.64
Jeff Mensing	125.00
Schofield, Higley & Mayer, S. C.	8,446.57
WRR Environmental Group	120.00
<b><u>Parking Utility Claims</u></b>	
City Treasurer	\$ 148.89

LICENSES – MOTION was made by Solberg, seconded by Dickmann, and carried to approve the following licenses:

**OPERATORS:** Jessica J. Davis; Gaelan R. Evans; Whitney A. Krystowiak; Caylee E. Pelot; Jolie L. Scales; Mary M. Schneider; Heidi M. Speikers.

MOTION was made by Cruz, seconded by Luther, and carried to approve the request from Menomonie Moose Lodge #1584, Loyal Order of Moose for an amendment to their Class B Beer and Liquor License at 720 19<sup>th</sup> Avenue East on August 10, 2013 from 9:00 a.m. to 9:00 p.m. for a

fund raising event for the Alzheimer's Association (amendment = the approximate 100' x 120' area between the lodge building and the ball field plus the entire ball field).

MOTION to convene in closed session under Wisconsin Statutes 19.85 (1) (c), (e), and (g) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the government body had jurisdiction or exercises responsibility; deliberating or negotiating the purchase/sale of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved was made by Beety, seconded by Solberg, and carried unanimously on roll call vote.

MOTION to return to open session was made by Schwebs, seconded by Luther, and carried on roll call vote with Beety opposed.

No action was taken.

MOTION to adjourn was made by Cruz, seconded by Luther, and carried with Beety opposed.

JoAnn L. Kadinger, City Clerk